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ABSTRACT

Twenty-eight years ago three students in Des Moines, Iowa who wore black armbands to protest the war in Vietnam were suspended from school. When the 1969 landmark Supreme Court case of "Tinker v. Des Moines Independent School District" brought public school pupils under the First Amendment umbrella, many educators began to "tinker," to become provocateurs who dart, jab, cajole, and coax young people to become involved in a vigorous student press. As a result, student journalism is far more sophisticated today than it was 25 years ago. One of the responsibilities of an educator is to plant and nourish the seeds of conscientious citizenship that will take root, grow and bear fruit decades after the students leave. Today, young people are bringing societal ills and social issues to school with them; the best educators can do is equip young people to deal with these matters. (NH)

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ED 360 640

AEJMC HONORS LECTURE
Scholastic Journalism Division
August 14, 1993, Kansas City, Missouri

Tinkering With Student Journalists: Protest as Prologue to a Free Press in the 21st Century

Thomas Eveslage
Temple University

I want to sincerely thank the division for this honor. One indication of what this means to me is sitting in this room. My wife Sonja is here. She doesn't come to many AEJMC conventions. She knows what this convention is like, with sessions all day and night. So when she said she was coming to Kansas City, she knew--and now you know--that I consider this indeed an honor. And it means a lot to me that she's here.

What has kept me coming back to this group all of these years, as much as the genuine friendship I've felt from so many of you, is that spirit, that feisty-ness that collectively is the essence of What We Do and Why We Do It.

* * * * *

It probably doesn't surprise you--those of you who know me--to find "Tinker" and "free press" in the title of my talk today. The 1969 landmark Supreme Court case of Tinker v. Des Moines Independent School District, and the free-speech theme have been with me as long as I've been with AEJMC--almost 25 years.

During a trip to the dictionary while preparing this talk, "Tinker" took on--so to speak--a whole new meaning. I came upon these marvelously appropriate definitions of the VERB "tinker" -- "to work at something casually, trying to repair or improve it; to busy oneself without useful results; to repair in an unskillful, clumsy way."

In fact, I've heard so many before me--Bob Knight and Jim Paschal, Dorothy McPhillips, Manion Rice, Mary Benedict, Al Scroggins, John Butler...and many others--use this forum, this lecture, to encourage us to tinker. They inspired and prodded us, speaking of how we should build on the accomplishments of the past, on the spirit of those among us, on the promise of unfulfilled dreams....

There is a temptation, on occasions like this, to speak of missed opportunities, to bury our reminiscences with anguish. To do what I and some of my friends turning 50 with me this year want to do--shake our heads, sigh, and mumble the words of Robert Frost:

"...But I have promises to keep
And miles to go before I sleep."

It may surprise you--those of you who know me--that I'm NOT going to tire you with hang-wringing tales of woe today. Instead, I'm here to applaud your efforts--our efforts--our tinkering. To say that those of us who champion scholastic journalism have made a difference. And to provide some perspective.

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Thomas Eveslage

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

I thought of this matter of "perspective" one morning early last month, just as I began putting these thoughts to paper. I was reading a teacher's letter to Ann Landers. It got my attention because it came from a malcontent. My kind of person.

This "other" malcontent was bemoaning public school education. Students in school are bored, have low self-esteem, are illiterate. Because, she said--students control the school. The permissiveness of the 1960s wiped away the successful schools of the 1950s, when, this teacher reasoned, "there was zero tolerance for disobedience."

Well, I thought, that's one way to look at it--one perspective. But describing the glass as half-full or half-empty doesn't change the contents. So, let's take a page from this California teacher's love for the "good old days" and get some perspective of our own on scholastic journalism and student press freedom. Let me wipe the cobwebs from my memory and the dust from some 30-year-old teaching tools.

Let's go back to December 16, 1965--almost 28 years ago. While I was scrambling around, four months into my first year as a high school English and journalism teacher in suburban St. Paul, Minnesota, 13-year-old Mary Beth Tinker was arriving at her junior high school 250 miles away in Des Moines, Iowa. She wore a black armband, in silent, symbolic protest of the war in Vietnam. When she, her brother John and their friend Christopher refused to remove the bands of black cloth, they were suspended from school.

During the next three years, while Mary Beth, Christopher and John were inching their way through the courts, those of us working with student publications in the high school could not have cared less. After all, we were struggling to cover school events, meet production deadlines and cope with such staff crises as tactless editors.

Each year at the Minnesota High School Press Association convention, we advisers would talk with anger and frustration about how hard it was to do everything--and try to learn how to do it all better. We didn't talk much about covering issues, though--about controversy.

As an adviser in the late 60s, I looked to Quill and Scroll for help, and got it from people like Laurence Campbell, a pace-setting scholar with a keen sense of the practical. In his "Do's and Don't for an Alert Staff" he told me that high school newspapers should "face the problems of the school realistically, but stress the good the school does, refusing unjustified criticisms of modern education." High school newspapers should not "scold or whine, complain or grumble, nag or sneer, or stress negative attitudes." And they should never "initiate, encourage, or involve the newspaper in conflicts with the student government, school officials, or other groups in the school or in other schools." Even later, in his post-Tinker 1971 Principal's Guide to High School Journalism, Dr. Campbell said that principals have every right to object to "belligerent editorials."

[I wonder how Dr. Campbell would feel about the "Question Authority" buttons that students were selling at last year's JEA convention--students of JEA's premier press rights advocate John Bowen.]

I also bought and used Roberta Fry and Kathleen Keilman's 1963 booklet "The All-American Adviser." That 80-page problem-solving manual told me how to fit copy and reward staff members. But there was not one word on dealing with controversy or covering issues.

Even the Indiana State Department of Public Instruction's 330-page Teachers Guide to High School Journalism, with 75 pages devoted to "A Handbook for Advisers," included just a 5-sentence philosophical statement on the values of minimal censorship--with no rationale or guidelines on how or why to regulate content.

It was hardly news, then, when Mary Beth Tinker was told, first by a federal district court and then by the 8th Circuit Court of Appeals, that it was perfectly acceptable to prohibit or punish public expressions of students' personal beliefs in the school.

The surprise came on February 24, 1969. I was a 25-year-old graduate student at the University of Minnesota, probably trudging to class through the snow of a cold winter day, when the U.S. Supreme Court changed the lives of young people.

When U.S. Supreme Court Justice Abe Fortas, writing for the majority in a 7-2 ruling, brought public school pupils more clearly under the First Amendment umbrella, he did so in startling language:

> "Any departure from absolute regimentation may cause trouble," he wrote. "Any variation from the majority's opinion may inspire fear. Any word spoken, in class, in the lunchroom, or on the campus, that deviates from the views of another person may start an argument or cause a disturbance. But our Constitution says we must take this risk....Our history says that it is this sort of hazardous freedom--this kind of openness--that is the basis of our national strength and of the independence and vigor of Americans...."

Whew! What sort of a wake-up call was this? Well, for me, it began a quarter-century of Tinkering.

* * * * *

Mary Beth Tinker's armband, an irritant to some who would have preferred she be silenced or ignored, was a disquieting reminder and a plea for change. Many of us have responded, and have made a career of becoming provocateurs, each in our own way--darting and jabbing, cajoling and coaxing.

Alone, at times. Unsure, at times. Some times, clumsily. Often unsuccessfully....we tinker. Sprinkled across the country, we pepper the landscape and flavor AEJMC with ideas our colleagues won't get anywhere else. And we...are...persistent.

But it's paid off!

Those of us with a 25-year pre-Tinker perspective could--if we took the time--only marvel at the way high school publications have matured. Many things contributed to that growth, of course. But the nourishment began when the Supreme Court let some fresh air into the public schools and gave young people a taste of freedom. Since then, student journalists and their teachers have responded with more thoughtful, thorough, significant, yes--controversial--content. And better student publications.

Consider how the playing field of publications has changed during the past 25 years--look at changes in the content of high school journalism textbooks, in the training of teachers and advisers, in the mindset of school administrators, in the awareness of students. This enrichment justifies a positive assessment of scholastic journalism, even in a student press rights arena shadowed by the Hazelwood case.

I don't know how many of you can remember the textbooks of the Tinker era. Journalism in the Mass Media, the 522-page high school text from 1970, by Moyes and White, devoted 164 pages to the School Media. But there's nothing on freedom of speech and one paragraph on

"Responsibility of the School Journalist." Even the 1975 edition of the staple text Press Time, by Julian Adams and Ken Stratton, had just one page on Freedom of the Student Press, and followed that with an activities section entitled "What Shouldn't Your School Paper Publish?"

The then-Secondary Education Division and the Journalism Education Association paid more attention to student press rights in the 1970s. JEA supported Bob Trager's 1974 book, Student Press Rights, and this division kept close ties with national, regional and state high school press associations.

Nineteen seventy-four (1974) also was the year a Commission of the Robert F. Kennedy Memorial published Captive Voices, detailing censorship and self-censorship of high school journalism, and the lack of diversity in the student press. The Kennedy Memorial that year also planted the seeds of a free-press advocate called the Student Press Law Center, which will celebrate its 20th anniversary in 1994. While students tested the waters during the 1970s, the SPLC gently encouraged what had been a formulaic, easily-intimidated student press. Tilting at the windmills of suppression, the SPLC dodged the shadows of anonymity and an indifferent professional press in the 1970s, and scrimped for money to survive.

It took most of the 1970s for school administrators, journalism teachers, publications advisers, student journalists, even authors of high school textbooks to reconcile themselves with the Supreme Court's 1969 decision.

Lower courts, applying Tinker criteria to the student press, were by 1980 providing legal stability to student rights questions. With some consistency in the courtrooms, school officials and teachers and students were getting a feel for the boundaries. We saw fewer limits on the issue-oriented student press in the early 1980s, and no major increase in the number of problems brought to the SPLC's attention.

After the Supreme Court's Bethel v. Fraser decision limiting student expression, there were more calls to the SPLC--from 371 in 1985 to 551 in 1988. But that plateau held through the 548 calls to the SPLC in 1988, the year that Hazelwood was decided.

There can be no doubt that the Supreme Court ruling of Hazelwood School District v. Kuhlmeier called attention to scholastic journalism and the free-speech rights of student journalists in ways never before experienced. When the Supreme Court ruled against the students in its first case involving a high school newspaper, professional journalists and even our colleagues elsewhere in AEJMC took a bit more interest in the student press. With bittersweet irony, the Hazelwood ruling brought the Student Press Law Center and Executive Director Mark Goodman well-deserved recognition and a boost in stature that led to an increase in SPLC staff, services and financial support.

The SPLC has long been our barometer of student press rights problems. We cite the number of phone calls as alarming evidence of high school and college press conflicts: 371 calls for legal advice in 1985; 1,376 calls in 1991--a 271% increase in six years.

I'd be the last person to play down the SPLC figures. For every person who calls, there may be 10 or a hundred other student journalists and advisers who feel stifled or frustrated.

But, again for perspective... Jack Dvorak projects, from his recent national survey, that journalism classes in 15,000 American high schools enroll some 541,000 students, and that the staffs of this country's student media number more than 717,000. And although most calls to the SPLC concern censorship problems, two of every three calls today are about the college press.

In the best traditions of Chicken Little's refrain that the sky is falling, some of us in this division--I among them--have spent a lot of time and energy anguishing, so to speak, over a half-empty glass. Maybe it's time to put a positive spin on student press freedom. Those of us convinced that a free student press is an invaluable instrument of sound journalism and citizenship education perhaps by now should have learned from our sibling organization and directed our attention to what JEA did ten years ago.

Reacting to A Nation at Risk, the report of The Commission on Excellence in Education, JEA, in November of 1983, decided to establish a national commission to study the role of journalism in American education. Specifically, the commission would assess the quality of scholastic journalism and college teacher-training programs in journalism, define obstacles to excellence in scholastic journalism, and identify successful journalism programs and experiences that lead to success in college.

Jack Dvorak played a major role in that JEA effort and, with the help of division members John Butler and Julie Dodd, the JEA Commission generated a wealth of information attesting to the positive performance and the promise of scholastic journalism. JEA has followed that effort with a certification program that already has enhanced the academic reputation of scholastic journalism.

We journalism educators have every reason to criticize the way the High Court has changed the rules and shuffled the tools. The Hazelwood ruling undoubtedly shifted the balance of power once again, this time in favor of school officials. In 1969, the Supreme Court told school administrators to modify their behavior. Then, in 1988, the High Court, just as bluntly, told student journalists to adjust--to get THEIR act together. But the Court has not recanted its statement that the First Amendment belongs in public schools.

* * * * *

And there's plenty of evidence that students are not shying away from the controversy so often a part of good journalism. A glance at any issue of the SPLC Report will give you anecdotal evidence. And recent quantitative data reinforce this. Tom Dickson reported in C:JET this spring that about half (52%) of the 312 high school newspaper editors who responded to his national survey said they'd get into trouble if they reported on a controversial topic. But Dickson concluded that student editors in the spring of 1992 were not worried about a conflict with their adviser over dealing with controversial issues. Rather than censor themselves, Dickson said, editors were more careful to do a good job when covering controversy.

Almost three-fourths of the editors (71%) in Dickson's study said that their advisers were not afraid of controversial stories. Jack Dvorak's national survey, with responses from 789 journalism teachers/advisers during the 1990-91 school year, fits comfortably with what Dickson heard about controversy from student editors.

Dvorak reported that almost 84% of his respondents said they had "a great deal" or "almost complete" advising freedom. While about one in ten indicated less advising freedom after Hazelwood, almost three-fourths (74%) of the teachers said there had been "no change" in the amount of advising freedom they had in the three years since the Hazelwood ruling.

Just as Tinker forced school officials to substitute regulations, standards, and consistency for what had been arbitrary censorship of uncomfortable ideas, so has Hazelwood forced student publication staffs and advisers to pay more attention to the care and quality of what they do, to focus on the process, and to use the First Amendment as simply a tool--albeit a useful one.

In 1988, the Supreme Court gave us a humbling, if not humiliating, reminder that the "right" to express ourselves is not a blank check or an unrestricted license, that "freedom" is not an end in itself. In that context, perhaps we should consider Hazelwood a second wake-up call (Tinker was the first) -- and use this recent ruling to remind us that the democratic principles upon which the First Amendment is built defend and preserve the PROCESS. Free Speech principles don't guarantee results.

As former Supreme Court Justice Potter Stewart noted in 1975, regarding the struggle for access to government information:

> "[T]he press cannot expect from the Constitution any guarantee that it will succeed....The Constitution, in other words, establishes the contest, not its resolution....[W]e must rely, as so often in our system we must, on the tug and pull of the political forces in American society."

Freedom, the right to speak, is then an instrument of self-government, of decision-making, intended to preserve a balance of power, to encourage the governed to govern. And the Supreme Court has said--and continues to say--that our young citizens, too, must be allowed to experience the process.

The student publication itself is a tool, an instrument of learning, a WAY to "experience the process." The staff and adviser can point to a newspaper or a yearbook as a concrete measure of effort, achievement and understanding. But the publication is not the goal, not the objective, not the adviser's "product." As teachers, we don't turn out finished products. We are the architects, the engineers, the maintenance crews that pave the way for our students. We try to remove obstacles and improve our students' chances for success at some point when they are beyond our control, far from our classrooms.

The Tinker Court removed some barriers; the Hazelwood Court erected a few. Both cases altered the school terrain of student journalists, but neither case stopped students from covering the territory. In both rulings, the Court acknowledged the critical- thinking process, and said--in far different language--that the process must be preserved. That process is alive in student publications.

Maybe it's time to soak in the sunshine of a vigorous student press, and applaud schools where advisers and students are looking for--and finding--ways to report things, and are not shrinking into silence. Look around--

* at the North Carolina eighth-grader who questioned her principal's decision to censor the peace symbol on the cover of the school's literary magazine.
* at the New Jersey student who went to court when his principal removed from the junior-high newspaper an inoffensive movie review for the R-rated "Mississippi Burning"
* at the Michigan high school students who garnered support of local media and two national organizations to help persuade the school board to change publications policies on political endorsements
* at the California student editors who, unhappy with the way their adviser changed the content and layout of their newspaper, sought a restraining order to have their names removed before publication
* and at Tony Pupeza, a Minnesota high school student who, for a class project, drafted a bill to counter the Hazelwood restrictions, then, with the help of the state high school press association, found a state senator to sponsor and introduce the legislation.

And if I wonder, anytime soon, whether our work is paying off, I'll think of four reminders from this spring. I'll recall separate conversations I had with students and advisers in four

Pennsylvania schools within five months. I'll recall how the students, the advisers...and the media...reacted. And then, I'll think back and try to imagine how these scenarios would have been played out 20 years ago.

In late January, the principal and superintendent of Emmaus High School, in a community of about 15,000 in northeast Pennsylvania, censored a staff editorial in the newspaper. The editorial questioned a school board member's lack of openness on public matters and the way she "hassled" the editor and "screamed at a reporter." Two area newspapers printed the censored editorials, published stories about the controversy, offered their own editorial support, and carried letters that poured in. The public debate in the letters column focused on whether the students were advocates for the adviser and the teachers' union and whether students were "out to get" the school board. The adviser was attacked as partisan in one newspaper column and ridiculed in the newsletter of a local taxpayers' group. But the staff and adviser got much more public support than criticism.

In March, a student editor went toe-to-toe with the principal in another high school, this one in northwestern Pennsylvania. In each of the year's four editions, the students cover one "issue." Last year's topics were the impact of suicide, the life of a teenage mother, living with an alcoholic father, and being a stepchild.

The staff this spring decided to deal with abortion, and asked the student body for ideas and contributions. One 18-year-old submitted an account of her abortion at the age of 15--how she felt before and after it, how it saddened her, and how it affected her parents. It was poignant and powerful.

The student editor, on her own, brought the piece to the attention of her principal, who said "No" without even reading the commentary. He said that such an article would invade the parents' privacy. The student considered going underground with the story and the publication if denied permission to print, but finagled another conference with the principal. In the meantime, she and her adviser called the SPLC and others for legal and ethical advice. Assured that the anonymous piece was no invasion of privacy (the student was not identified in or on the piece), the editor negotiated with the principal an OK to publish if the student's parents gave their approval.

The newspaper published two weeks late this spring, but <u>with</u> the controversial commentary.

The next month, I received a call from the newspaper editor in my community's high school. The problem story here concerned accusations that a teacher had struck a student. But evidence, and witnesses, suggested the teacher didn't do it. The newspaper staff, facing a deadline, wanted to cover the story--that wasn't yet complete. The principal, (who last November received an award from the Pennsylvania School Press Association), with pressure from the teachers' union, told the students to hold the story.

Now the students--I talked to two editors--wanted to know if the story could be run anyway. "Is this a stall to see if the story will die?" they wondered. "How can we resist censorship, yet do a fair and complete story?" The students decided to wait, but not go away. The incident was unresolved when the year's final issue was printed.

And in May, the distraught adviser of a nearby award-winning high school newspaper called. One of her better students, a Harvard-bound columnist, took on a couple of school board candidates and the religious right and was in <u>deep</u> trouble. He wrote about several local school board candidates whose philosophies fit a national religious-right group that offered financial

support to like-thinking candidates across the country. The documented, well-written column brought instant cries of indignation from the candidates--and even from the columnist's angry parents, who also are conservative Christians. They all loudly and publicly demanded an apology.

School officials stood ready to support the student and the newspaper, but the adviser and staff and school officials wanted to find a solution that would not compromise the student paper (which had published its final issue of the year), would not set dangerous administrative precedence, and would not wrongly admit to something that could open the door to further legal action.

The local media covered the controversy extensively. The adviser and her staff had long, thoughtful discussions about all of these concerns on the way to the decision to stand by what they published, and print nothing more.

* * * * *

Four students--one publicly urging a school board member to respond to her constituents, one offering insight the professional press hadn't provided about the School Board election process, one wanting to share with students the complete story about a physical assault charge involving a teacher, and another wanting to give her young readers a personal, powerful view of the abortion controversy. Four students different in many ways from a 13-year-old Iowa girl.

Yet I like to think that Mark Patton of North Penn High School, and Joel Finkelstein of Cheltenham, Kimberly Keller of North East High School and Emmaus High School's Eric Doviak are today's versions of Mary Beth Tinker. But new versions--students neither alone nor isolated, who expressed themselves with understanding and assertiveness firmly supported by a student free-speech foundation more than 20 years in the making.

Couple that with media support, which came here from the East Penn Press, the Allentown Morning Call, the Lansdale Reporter. And support that Mary Beth Tinker never had, from within the school--from newspaper advisers like Janet Kratz, Beth Wolpert, Jane Blystone and Joe Pirro. Three of these four are board members of the Pennsylvania School Press Association. All four are experienced advisers, with master's degrees --one with a master's in journalism from Northwestern, another with an M.J. degree from Temple. One, the immediate past-president of PSPA, is working on the dissertation for her doctorate. None of that, obviously, prevented the conflict or insured success. But these advisers kept the educational exercise, the critical-thinking process, alive.

One of our responsibilities as educators is to plant and nourish the seeds of conscientious citizenship that will take root, grow and bear fruit decades after our students leave us.

Earlier this year, Manion Rice--whom many of you know from SIU in Carbondale--sent me a clipping from the St. Louis Post-Dispatch. It had a Des Moines Register file photo of 13-year-old Mary Beth Tinker, wearing her black armband, and a recent picture as well. Now a pediatric nurse rearing a 12-year-old of her own in St. Louis, Mary Beth Tinker was in the news as a "political activist" lobbying the Missouri legislature. That day she had used vacation time to testify before the House Judiciary Committee on behalf of a bill protecting free speech in school publications. She also had lobbied on behalf of gun control.

She told the Post-Dispatch why she works with area high school students who want to become more involved: "I just try to remain politically active because I think that's the route

from which we will develop solutions to the problems of children and adults," she said. "Kids are concerned, and rightfully so, about very life-and-death issues, and they want to take an active part in determining solutions."

Mary Beth Tinker's daughter will have an adolescence and high school experience quite different from her mother's. In the mid-1960s, there was a more comfortable and comforting sense of "community" in the schools--and in student publications. The rose-colored lens of the mass media reflected conformity in a homogeneous society and reinforced values of the nuclear family. School officials felt it was their job to insure a comparable comfort zone of commonality--one that Mary Beth Tinker jeopardized ... but student publications did not.

The Supreme Court told Mary Beth and other students that they do not "shed their constitutional rights to freedom of speech or expres-sion at the schoolhouse gate." Today's corollary is that students also don't shed their cares and concerns when they go to school. Technology has paved a whole new set of information avenues, carrying more than most of us can handle, breaking common and community boundaries.

Like it or not, young people are bringing societal ills and social issues to school with them. Neither family members nor public school officials can prevent that. No administrator or teacher can insulate today's students. The best we as educators can do is equip young people to deal with these matters.

After Mary Beth Tinker slipped on her armband that December morning in 1965, she of course went to a much different school than those of the Pennsylvania students I described. But Mary Beth had a lot in common with them, too, and with many of today's student journalists: a sense of concern and caring, a belief that what she had to say was important and worth saying, a feeling that she deserved the chance to tell others what she thought, to make a difference.

We probably know at least ONE reason why Mary Beth Tinker took a day off from her job as a nurse last winter--23 years after she graduated from high school--to testify at a legislative hearing.

I'm willing to bet that, 20 years from now, the Pennsylvania students I described, along with those from North Carolina and New Jersey, from Michigan and Minnesota, and others you know from your states, will do the same thing. And it won't be because a court somewhere told them they had the "right" to do so. It will be because they had a chance to Care Out Loud, to feel the pleasure and the pain of democracy at work. And because we--or others like us--helped them to be heard when they were young.

Because judges and journalists, advisers and administrators have been tinkering with student journalists, the figurative symbolic black armband has become part of the student press code, if not the student dress code.

Scholastic journalism is far more sophisticated than it was 25 years ago. Substantive student publications have brought the democratic process to life in many high schools. And students today are not just being told, but are discovering for themselves that free speech and a free press are two useful instruments for the struggles of the 21st Century.

* * * * *

Thanks for coming today. Thanks for listening. Thanks for doing what you do. It makes a difference. YOU make a difference.